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We are in support of R-08-0039, the petition to amend Rule 123, Rules of the Supreme Court and related rules to provide greater access to case records while being mindful of sensitive information that might be contained in the records.

Nationally in 2008, landlords at all levels lost \$10,607,901,007 to three rental problems, i.e., evictions, skips and extraordinary damages in each case. Losses are not static. The dollar amount increases every minute. While only 5% of the residential rental population of 88,558,000 is responsible for this loss, the total loss is staggering. In Arizona, the average cost of an eviction is \$2082 including filing fees, lost rent due to evictions or skips, and damages. In FY 2007, there were 121,746 forcible detainer filings. This represents over \$253 million loss to Arizona landlords. Substantial national and local interests in both the private and public sectors are served by providing screening services access to detailed, accurate and comprehensive data.

Public housing interests are served by resident screening. In 1989, the Inspector General identified NTN as the service that could best help public housing achieve “tenant integrity” goals. This was also echoed by the Association of Housing Management and HUD Region V Executive Director, Robert DeMonte. Further, NTN was the featured screening service in the HUD publication “Together we can create Drug Free Neighborhoods...”

Accurate screening based on detailed records clearly helps law enforcement and local municipalities meet their goal of eliminating housing problems in their communities. A specific example includes the Arizona Crime Free Program. Required screening effectively networks managers together and motivates applicants to be forthright when applying.

Accurate screening based on detailed records clearly helps combat the national problems of Identity Theft, credit fraud, violations of Fair Housing and the Patriot Act. The NTN tenant performance profile addresses the 4 major rental application misrepresentations: eviction histories, lease violation histories, mis-use of a social security number,

current/previous landlord identification. Screening reports and services must be founded on rock solid data.

The Fair Credit Reporting Act (15 USC 1681) requires NTN to maintain procedures that “insure maximum possible accuracy”(Section 607b “Accuracy of report”). The eviction address and other identifying information including Date of Birth and truncated social security number are critically important for compliance.

Without complete and detailed identifying information, it becomes impossible to make a verified match. Misidentification of an applicant is clearly contrary to the best public policy considerations. Denying one housing when the applicant had no prior eviction and/or criminal history or accepting an applicant who causes harm or damage are clear instances of undesirable outcomes.

As we can see, violations of the rental process lead to financial loss to landlords in the billions of dollars. Rental process violations also lead to the evolution of sub-standard housing and problem communities. To achieve the goals outlined, to best serve the interests identified and to comply with federal and state law, NTN must have access to timely, detailed and accurate court/public records.

Providing public records in bulk data extract format also provides benefits to the court system. In these economically challenging times with the State budget under considerable stress, providing electronic bulk data extracts will save court resources. Providing court records in electronic format is less costly and court staff time will be greatly conserved in processing each individual case file request at the court.

With these comments in mind, we are hopeful you give favorable consideration to adopting this petition to amend Rule 123 and associated rules to provide greater access to case records.

Respectfully submitted,
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